THE TRAVANCORE VILLAGE PANCHAYAT COURTS REGULATION AMENDMENT BILL.

Mr. Puthupally S. Krishna Pillai : I beg to move that the Travancore Village Panchayat Courts Regulation Amendment Bill* as passed by the Assembly be taken into consideration.

Sir, the object of the Bill is simply to cure an existing defect in Section 76 of the Village Panchayat Courts Regulation. Under that Section an *ad valorem* fee is fixed but without fixing a minimum. In the absence of a minimum, practical difficulties arise in making the revenue adjustment and realisation. The fee has to be calculated and realised to the minute fraction of a cash. This makes it impossible to maintain correct accounts. Moreover these calculations create difficulties also in the payment of court fees. Therefore to avoid this difficulty it is proposed to fix a minimum of 1 ch.

Mr. P. Parameswaran Pillai : I second it.

The question whether the Bill be taken into consideration was put and carried.

Clauses 1 & 2.

The question that clauses 1 and 2 stand part of the Bill was put and carried.

The clauses were added to the Bill.

Preamble.

The question that the preamble do form part of the Bill was put and carried.

The preamble was added to the Bill.

Title.

The question that the title do form part of the Bill was put and carried.

The title was added to the Bill.

Mr. Puthupally S. Krishna Pillai : Sir, I beg to move that the Travancore Village Panchayat Courts Regulation Amendment Bill be passed.

Mr. P. Parameswaran Pillai I second it.

The Bill is passed.

THE TRAVANCORE REVENUE SUMMONS REGULATION AMENDMENT BILL.

Mr. Puthupally S. Krishna Pillai : Sir, I beg to move that the Travancore Revenue Summons Regulation Amendment †Bill as passed by the Assembly be taken into consideration.

*Vide Annexure V.
†Vide Annexure VI.

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Sir, in making this motion I may be permitted to say a few words. The Revenue Summons Regulation was enacted for compelling the attendence of persons before the officers mentioned in the Regulation. It is found in Section 4 of the Regulation that

> "The summons shall be served by delivering a copy thereof to the person summoned or to his authorised agent or to some adult male member of his family residing with him who shall be required to sign an acknowledgment of service endorsed on the original summons. If the person summoned cannot be found and there is no other person on whom the service can be made, the serving officer shall affix a copy of the summons on the outer door of the house in which the person summoned ordinarily resides and return the original with an endorsement attested by two respectable witnesses stating that he has so affixed a copy and the circumstances under which he did so."

In the actual working of this Section, the officers of the department concerned were confronted with one difficulty and that is that this section contemplates only cases of persons signing acknowledgement when the summons is presented to them. It does not contemplate a case where the parties or their agents or the adult members of their family would refuse to acknowledge the summons. What is the provision of law under which such a process might be returned? When shall we say under such circumstances that a summons has been duly served? Now the summons is taken to the person. The statute says that he shall sign and acknowledge the summons. Suppose he does not sign. What should the process server do? What is the legal process by the adoption of which it could be said that the process has been served? This Section does not contemplate the cases or provide for them which very often arise, namely, cases where the parties refuse to accept the summons. Here, I have provided that in case a party refuses to accept, and also if the person, who is summoned, cannot be found, then the serving officer can affix a copy of the summons at the outer door of his residence and two respectable witnesses shall be called upon to attest and the process shall be returned.

Mr. P. Parameswaran Pillai : I second it.

President : It has been moved and seconded that the Travancore Revenue Summons Regulation (Amendment) Bill shall be taken into consideration.

: The question whether the Bill may be taken up for consideration was put to vote and carried.

President : The question before the House is whether clauses 1 and 2 stand part of the Bill.

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The question was put to vote and carried.

The question whether the preamble and the title of the Bill stand part of the Bill was put to vote and carried.

Mr. Puthupally S. Krishna Pillai : Sir, I beg to move that the Travancore Revenue Summons Regulation (Amendment) Bill be passed.

Mr. P. Parameswaran Pillai : I second it.

President : The question before the House is that the Travancore Revenue Summons Regulation (Amendment) Bill be passed.

The motion was put to vote and carried.

THE TRAVANCORE CREDIT BANK REGULATION (AMENDMENT) BILL.

Mr. Puthupalli S Krishna Pillai : Sir, I beg to move that the Bill* to amend the Travancore Credit Bank Regulation as passed by the Assembly be considered.

Mr. P. Parameswaran Pillai : I second it.

President : Does the honourable Legal Remembrancer wish to say anything ?

Mr. Puthupalli S. Krishna Pillai : Yes, Sir. The object of this Bill is simply this. Section 17 of the Credit Bank Regulation authorises the Credit Bank to enter into negotiations with Government and take over the business of the State Land Mortgage Bank. Section 23 which is now proposed to be amended, in dealing with the powers conferred on the Credit Bank, provides that in respect of loans granted by it, it shall be competent to realise the amount that is due to the Bank by proceedings under the Revenue Recovery Regulation. The question naturally arises whether in respect of the loans granted by the Land Mortgage Bank and taken over by the Bank, the provisions in Section 23 would be sufficient to enable the Bank to realise under the Revenue Recovery Regulation. Under the rules now in force, loans granted by the Land Mortgage Bank are liable to be realised by summary process under the Revenue Recovery Regulation, because it is a loan which comes within the ambit of the Revenue Recovery Regulation, an amount due to Government. The question arises when such a loan is taken over by the Credit Bank until it becomes a fresh loan granted by the Credit Bank, whether such loans can be enforced by the Credit Bank under the provisions of the Revenue

Vide Annexure VII.

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